

Attorneys for Plaintiffs,  
JANE DOE and  
AZADEH AMIRI

JANE DOE, by and through her Guardian Ad Litem, and AZADEH AMIRI,

V.

Defendants.

) Case No.: **2:20-CV-00202-TLN-KJN**  
)  
)  
)  
) **STIPULATION FOR GRANTING**  
) **PLAINTIFF LEAVE TO AMEND TO FILE**  
) **SECOND AMENDED COMPLAINT FOR**  
) **DAMAGES AND REMAND TO STATE**  
) **COURT FOR LACK OF DIVERSITY**  
) **JURISDICTION; ORDER**  
)  
)  
)  
) \_\_\_\_\_  
) [UNLIMITED CIVIL CASE, OVER \$25,000]  
)  
) State Action Filed: September 23, 2019  
) State Case No. 34-2019-00265438

1           **WHEREAS** LIFE TIME, INC. dba MINNESOTA LIFE TIME, INC. removed the above  
2 captioned matter from Superior Court of California, County of Sacramento to this Court.

3           **WHEREAS** on February 21, 2020, JANE DOE, by and through her Guardian Ad Litem,  
4 and AZADEH AMIRI, (“Plaintiffs”) filed a First Amended Complaint, as a matter of course (Fed.  
5 R. Civ. P. 15(1)(A)), for Negligence, Negligent Supervision, Intentional Infliction of Emotional  
6 Distress, and Negligent Infliction of Emotional Distress and against LIFE TIME, INC. dba  
7 MINNESOTA LIFE TIME, INC., AARON STEPHENS, BROOKE STEPHENS, STEPHEN  
8 DATTE, JUSTINE VOELLER (“Defendants”).

9           **WHEREAS** Plaintiffs wish to avoid any potential prejudice to their rights under Fed. R. Civ.  
10 P. 41(1)(B) by dismissing the entire action and re-filing it in state court;

11           **WHEREAS** Plaintiffs now seek to file a Second Amended Complaint for Damages, which  
12 makes several clarifications and removes individual defendants STEPHEN DATTE and JUSTINE  
13 VOELLER, with the intent to dismiss, without prejudice, said individual defendants from this action  
14 without current intent to rename them in any state court action;

15           **WHEREAS** a copy of Plaintiffs’ proposed Second Amended Complaint for Damages is  
16 attached hereto as Exhibit “A.”

17           **WHEREAS** the Court no longer has Diversity Jurisdiction based on the naming of  
18 Defendants AARON STEPHENS and BROOKE STEPHENS who are necessary parties to this  
19 action.

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1           **IT IS HEREBY STIPULATED**, by and between Plaintiffs and Defendants, by and through  
2 their respective counsel, that:

- 3           1.       Plaintiffs should be granted leave to amend to file their Second Amended  
4               Complaint for Damages, a copy of which is attached hereto as Exhibit "A."  
5           2.       Defendants STEPHEN DATTE and JUSTINE VOELLER will be dismissed *without*  
6               prejudice. A copy of the dismissal is attached hereto as Exhibit "B."  
7           3.       The matter should be remanded back to Sacramento Superior Court for lack of  
8               Diversity Jurisdiction.

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10       Dated: June 3, 2020

ASTERLIN LAW GROUP

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13       By: /s/ Paul Asterlin  
14           PAUL ASTERLIN  
15           Attorneys for Plaintiffs,  
16           JANE DOE AND  
17           AZADEH AMIRI

18  
19       Dated: June 3, 2020

SIMS, LAWRENCE & ARRUTI

20       By: /s/ Cynthia G. Lawrence  
21           CYNTHIA G. LAWRENCE  
22           Attorneys for Defendant,  
23           LIFE TIME, INC.

24       Dated: June 3, 2020

SEGAL & ASSOCIATES, PC

25       By: /s/ John T. Kinn  
26           JOHN T. KINN  
27           Attorneys for Defendants,  
28           AARON STEPHENS, and  
          BROOKE STEPHENS

**ORDER**

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

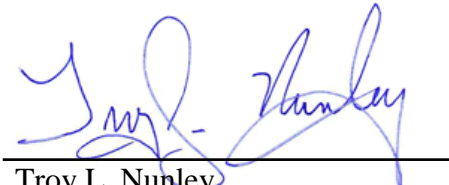
**IT IS HEREBY ORDERED** that Plaintiffs, JANE DOE, by and through her Guardian Ad Litem, and AZADEH AMIRI are granted leave to file their Second Amended Complaint for Damages upon filing of this order.

**IT IS ALSO ORDERED** that Defendants STEPHEN DATTE and JUSTINE VOELLER are dismissed *without* prejudice as to the entire case and all causes of action pursuant to Fed. R. Civ. P. 41(a)(1)(A).

**IT IS FURTHER ORDERED** that the matter be remanded back to California Superior Court, County of Sacramento upon filing of the Second Amended Complaint based on the parties' Stipulation.

**IT IS SO ORDERED**

Dated: June 4, 2020

  
Troy L. Nunley  
United States District Judge